INTRODUCED: 06/05/2017

REFERRED TO: Metropolitan and Economic Development Committee

SPONSOR: Councillor Osili

DIGEST: amends the Code to authorize the country recorder to charge a flat fee of ten dollars for each document the Marion County Recorder records

SOURCE:
Initiated by: Marion County Recorder
Drafted by: Office of Corporation Counsel

LEGAL REQUIREMENTS FOR ADOPTION:

PROPOSED EFFECTIVE DATE:
Adoption and approvals

GENERAL COUNSEL APPROVAL: _____   Date: June 1, 2017

CITY-COUNTY GENERAL ORDINANCE NO.   , 2017

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to authorize the county recorder to charge a flat fee of ten dollars for each document the Marion County Recorder records.

WHEREAS, the Marion County Recorder charges fees to record documents and those fees are established by state statute;

WHEREAS, state statute has given the county fiscal body the option to adopt an ordinance to charge a per page fee to record a document and deposit those fees in the housing trust fund;

WHEREAS, for many years the Revised Code has required that the Marion County Recorder charge a per page fee and deposit those fees in the housing trust fund;

WHEREAS, Senate Enrolled Act 505 allows the county fiscal body to adopt an ordinance to charge a flat fee of ten dollars and deposit that fee in the housing trust fund established under IC 36-7-15.1-35.5(e); and

WHEREAS, this $10.00 fee would replace the per page fee previously enacted in the Revised Code.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Chapter 131, Article 241, of the "Revised Code of the Consolidated City and County," regarding fees, hereby is amended by the deletion of language that is stricken through and by the addition of the language that is underscored and it shall read as follows:

Sec. 131 – 241 Recorder's supplemental recording fees

(a) The Marion County Recorder shall charge a fee of ten dollars ($10) for each document submitted for recording as permitted by IC 36-2-7-10.7 and is in addition to any other fees for recording a document. Pursuant to IC 36-2-7 et seq., the city-county council hereby authorizes the recorder to charge a supplemental fee in the amount of three dollars ($3.00) per document for recording a document.

(b) All money collected by the Marion County Recorder under this section shall be deposited in the housing trust fund established under IC 36-7-15.1-35.5(e) for the purposes of the fund. Pursuant to IC 36-2-7-10(a) and (b)(13), the city-county council hereby authorizes the recorder to charge a supplemental

~~fee in the amount of two dollars and fifty cents ($2.50) for the first page and one dollar ($1.00) for each additional page of each document the recorder records. The fee authorized by this subsection shall benefit the City of Indianapolis Housing Trust Fund, and shall be deposited as provided in IC 36-2-7-10(j).~~

~~(c)   The supplemental fees authorized by this section are to be paid at the time of recording the document, and are in addition to other fees provided by law for recording a document.~~

SECTION 2.   Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provisions or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 3. This ordinance shall be in effect from and after its passage by the Council and compliance with Indiana Code § 36-3-4-14, but if this is prior to August 1, 2017, this ordinance shall not be in effect until August 1, 2017.

The foregoing was passed by the City-County Council this _____ day of _____, 2017, at _____ p.m.

ATTEST:

_____
Maggie A. Lewis
President, City-County Council

_____
NaTrina DeBow
Clerk, City-County Council